

MOTION FOR SUMMARY JUDGMENT
EXHIBIT 3
EMT Scott Christensen's Deposition

Volume: I

Pages: 1-96

Exhibits: 1-4

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

NO. 05-11454 RGS

----- X

Joseph H. Koran, and Kimberly Koran, individually
and on behalf of Ana Koran, Joseph Koran, Jr., and
Erik Koran, minors,,

Plaintiffs,

v.

Elizabeth Weaver and Town of Sherborn,

Defendants.

----- X

DEPOSITION OF SCOTT CHRISTENSEN

Tuesday, September 19, 2006

11:30 a.m.

SHERBORN Fire Department

22 North Main Street

Sherborn, Massachusetts

Reporter: Lori-Ann London, RPR

Scott Christensen

09/19/2006

<p>2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 By Carmen L. Durso, Esquire and</p> <p>4 Matthew P. Coletti, Esquire</p> <p>5 LAW OFFICE OF CARMEN L. DURSO</p> <p>6 175 Federal Street</p> <p>7 Boston, Massachusetts 02110</p> <p>8 617.728.9123</p> <p>9 Appearing for the Plaintiffs</p> <p>10</p> <p>11 By Michael D. Leedberg, Esquire</p> <p>12 PIERCE, DAVIS & PERRITANO, LLP</p> <p>13 Ten Winthrop Square</p> <p>14 Boston, Massachusetts 02110-1257</p> <p>15 617.350.0950</p> <p>16 Appearing for the Defendants</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>4</p> <p>1 PROCEEDINGS</p> <p>2</p> <p>3 SCOTT CHRISTENSEN,</p> <p>4 a witness called for examination by the</p> <p>5 Plaintiffs, having been satisfactorily identified</p> <p>6 by the production of his Massachusetts driver's</p> <p>7 license, and duly sworn by the Notary Public, was</p> <p>8 examined and testified as follows:</p> <p>9 EXAMINATION</p> <p>10 BY MR. DURSO:</p> <p>11 Q State your name for the record, please.</p> <p>12 A Scott Christensen.</p> <p>13 Q And what's your current address?</p> <p>14 A 13 Moore Street.</p> <p>15 Q M-O-O-R-E?</p> <p>16 A Correct.</p> <p>17 Q In Sherborn?</p> <p>18 A Natick.</p> <p>19 Q What's your zip there?</p> <p>20 A 01760.</p> <p>21 Q What's your date of birth?</p> <p>22 A 5/16/72.</p> <p>23 Q What we're doing here today is called a</p> <p>24 deposition.</p>
<p>3</p> <p>1 INDEX</p> <p>2</p> <p>3 DEPOSITION OF: PAGE</p> <p>4 SCOTT CHRISTENSEN</p> <p>5</p> <p>6 EXAMINATION BY MR. DURSO 4</p> <p>7 EXAMINATION BY MR. LEEDBERG 93</p> <p>8 _____X</p> <p>9 EXHIBITS</p> <p>10 NO. PAGE</p> <p>11 1 Sherborn Fire Dept. Emergency Medical 11</p> <p>12 Services</p> <p>13 2 Fire & Rescue Department 14</p> <p>14 3 Diagram 28</p> <p>15 4 Squadmate Booklet 80</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 *Original exhibits retained by Mr. Durso</p> <p>23</p> <p>24</p>	<p>5</p> <p>1 A Um-hm.</p> <p>2 Q Have you ever done this before?</p> <p>3 A No.</p> <p>4 Q Okay. Are you a high school graduate?</p> <p>5 A Yes.</p> <p>6 Q What high school, what year?</p> <p>7 A Natick High, Class of '91.</p> <p>8 Q It's not that long ago, Scott.</p> <p>9 A I had to think there for a sec.</p> <p>10 Q After high school, did you have any</p> <p>11 further education?</p> <p>12 A No.</p> <p>13 Q Have you had any particular training of</p> <p>14 any kind in terms of your work here at the fire</p> <p>15 department?</p> <p>16 A I'm on a full-time department somewhere</p> <p>17 else. I've gone to the Massachusetts Fire</p> <p>18 Academy, recruit training, which also applies -- I</p> <p>19 mean, it's not -- it applies to here too; it's the</p> <p>20 same. They just don't require it in a call</p> <p>21 department, but....</p> <p>22 Q Okay. When you go to the academy, do</p> <p>23 you receive some certification?</p> <p>24 A Yes.</p>

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<p>6</p> <p>1 Q What is that?</p> <p>2 A It's a fire one and two and hazardous</p> <p>3 materials.</p> <p>4 Q And hazardous as well?</p> <p>5 A Yeah, hazardous material, operational.</p> <p>6 THE STENOGRAPHER: The what?</p> <p>7 A Operational awareness level I think they</p> <p>8 say it is.</p> <p>9 Q So you're a call fireman in --</p> <p>10 A In Sherborn.</p> <p>11 Q -- Sherborn.</p> <p>12 But you're also a full-time fireman</p> <p>13 somewhere else?</p> <p>14 A Correct.</p> <p>15 Q Where is that?</p> <p>16 A Lincoln, Mass.</p> <p>17 Q So do you work in Sherborn on a</p> <p>18 volunteer basis?</p> <p>19 A It's a call department; you get paid --</p> <p>20 Q Oh, you do?</p> <p>21 A -- the same as everybody else. You get</p> <p>22 paid when you go out on runs and training.</p> <p>23 Q Okay.</p> <p>24 A Volunteer department is when you don't</p>	<p>8</p> <p>1 Q About how long?</p> <p>2 MR. LEEDBERG: If you know. Don't</p> <p>3 guess.</p> <p>4 A Yeah, I don't know.</p> <p>5 Q Have you been working as an EMT for more</p> <p>6 than five years?</p> <p>7 A I believe so. I don't know that.</p> <p>8 Q Okay. We're gonna talk about something</p> <p>9 that happened in 2003 today.</p> <p>10 A Um-hm.</p> <p>11 Q In 2003 were you certified as an EMT?</p> <p>12 A Yes.</p> <p>13 Q Okay. And any idea how long before that</p> <p>14 you had been certified?</p> <p>15 A No, I can't.</p> <p>16 Q Okay. Prior to being certified as an</p> <p>17 EMT, what kind of fire duties did you have?</p> <p>18 A I worked here at least a good year as</p> <p>19 what they call first responder on the ambulance,</p> <p>20 sort of like an assistant, ride along helping the</p> <p>21 EMTs or the medics.</p> <p>22 Q And when, when did you do that?</p> <p>23 A I believe that was in 19 -- no, that was</p> <p>24 2001, I want to say, that winter.</p>
<p>7</p> <p>1 get any pay at all. It's just a --</p> <p>2 Q Right. The forms I looked at say call/</p> <p>3 volunteer. So I didn't -- I wasn't clear.</p> <p>4 A I think some people volunteer their</p> <p>5 time, I believe.</p> <p>6 Q Yeah. Okay. But you get paid when you</p> <p>7 actually perform duties here; is that right?</p> <p>8 A Correct.</p> <p>9 Q Does that mean being in here sitting</p> <p>10 here waiting for something to happen or --</p> <p>11 A One night a week when you're on the</p> <p>12 ambulance. I believe you get paid an hour for that</p> <p>13 night for the shift.</p> <p>14 Q Were you in the military?</p> <p>15 A No.</p> <p>16 Q What are the -- what was the training</p> <p>17 that you've had with regard to being an EMT?</p> <p>18 A You have the requirement. I think it's</p> <p>19 24 hours continuing ed, the 28 credits you have to</p> <p>20 get a year.</p> <p>21 Q So you're certified?</p> <p>22 A Yes.</p> <p>23 Q Okay. When were you first certified?</p> <p>24 A I can't answer that. I don't know.</p>	<p>9</p> <p>1 Q Okay.</p> <p>2 A I rode along with the ambulance helping</p> <p>3 them out, learning the steps of being an EMT</p> <p>4 and....</p> <p>5 Q Okay. And then at some point you took</p> <p>6 courses and tests and you got certified yourself?</p> <p>7 A Correct.</p> <p>8 Q Can you say with any certainty that the</p> <p>9 thing we're gonna talk about today in February of</p> <p>10 2003, that at that time you were certified?</p> <p>11 A I was certified as a -- I was an EMT,</p> <p>12 certified then.</p> <p>13 Q And since then have you remained</p> <p>14 certified as an EMT?</p> <p>15 A Yes.</p> <p>16 Q How long have you worked for the Lincoln</p> <p>17 Fire Department?</p> <p>18 A I want to say three, four years, give or</p> <p>19 take. I'm not sure on the exact.</p> <p>20 Q It's 2006. In February of 2003 were you</p> <p>21 working for Lincoln at that time?</p> <p>22 A I believe it was '04. It was in March</p> <p>23 -- now I think -- I started there as a call man in</p> <p>24 Lincoln in '03, in November I believe. Then I was</p>

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10	12
<p>1 put on permanent in March of '04.</p> <p>2 Q Okay. And you've worked continuously</p> <p>3 there since?</p> <p>4 A Yes.</p> <p>5 Q Before Lincoln where did you work?</p> <p>6 A The Natick DPW, water department.</p> <p>7 Q How long did you work there?</p> <p>8 A Just shy of ten years, a month shy of</p> <p>9 ten years.</p> <p>10 Q Okay. And was that your first full-time</p> <p>11 job out of high school?</p> <p>12 A No.</p> <p>13 Q Where else did you work?</p> <p>14 A Perdoni Construction.</p> <p>15 Q How do you spell that?</p> <p>16 A P-E-R-D-O-N-I.</p> <p>17 Q And how long did you work for them?</p> <p>18 A I want to say seven years, I think it</p> <p>19 was.</p> <p>20 Q Okay. So did you start working for them</p> <p>21 before you graduated from high school?</p> <p>22 A Yes.</p> <p>23 Q Yeah, okay.</p> <p>24 All right, so your work history from</p>	<p>1 A Yes.</p> <p>2 Q Do you recognize that document, that</p> <p>3 form document, let's put it that way?</p> <p>4 A Yes.</p> <p>5 Q Okay. What is that?</p> <p>6 A It's a run report.</p> <p>7 Q Okay. And on that run report is there</p> <p>8 any writing on there that's your writing? In</p> <p>9 other words, did you write anything on that</p> <p>10 report?</p> <p>11 A No, my partner did.</p> <p>12 Q And who was that?</p> <p>13 A Dominick Tolson.</p> <p>14 Q Okay. Did you have any role in</p> <p>15 preparing that document? I mean, I'm going to ask</p> <p>16 you about the specifics --</p> <p>17 A Yes.</p> <p>18 Q -- of what happened that day, but I'm</p> <p>19 just talking right now -- my question now just</p> <p>20 relates to the document itself, whether or not you</p> <p>21 assisted him in preparing that or whether he did</p> <p>22 that all on his own.</p> <p>23 A No. When we go to the hospital --</p> <p>24 Q Yeah.</p>
11	13
<p>1 high school on, Perdoni Construction, Natick DPW,</p> <p>2 Lincoln Fire Department?</p> <p>3 A Yeah, pretty....</p> <p>4 Q Is that everything?</p> <p>5 A I believe so.</p> <p>6 Q Okay. And then when did you start</p> <p>7 working here as a -- as a, you know, a non-EMT, do</p> <p>8 you think?</p> <p>9 A I really can't answer that. I don't</p> <p>10 remember that.</p> <p>11 Q Before you started with Lincoln, though?</p> <p>12 A Yes, yes, a couple years before I</p> <p>13 started with Lincoln.</p> <p>14 Q And are you an EMT with Lincoln?</p> <p>15 A Yes. Yeah.</p> <p>16 MR. DURSO: Would you mark this as</p> <p>17 an exhibit, please?</p> <p>18 (Document marked as Exhibit No. 1.)</p> <p>19 (Document exhibited to witness.)</p> <p>20 Q Take a look at that for a minute,</p> <p>21 please, if you would.</p> <p>22 A All right.</p> <p>23 (Witness perusing document.)</p> <p>24 Q Have you had a chance to look at that?</p>	<p>1 A -- the state of Massachusetts requires</p> <p>2 two EMTs to be in back, and usually the EMT that</p> <p>3 write -- does this report is the guy we call the</p> <p>4 tech, it would be the guy in back.</p> <p>5 Q Okay. So Dominick Tolson did that</p> <p>6 report?</p> <p>7 A Yes.</p> <p>8 Q Okay.</p> <p>9 MR. DURSO: Could you mark -- let me</p> <p>10 see if I've got a better copy of that one.</p> <p>11 MR. LEEDBERG: Just for the record,</p> <p>12 Carmen, too, I don't think it matters, but it</p> <p>13 looks like this was cut off or something during</p> <p>14 copying.</p> <p>15 MR. DURSO: I know. I was looking</p> <p>16 for better copies.</p> <p>17 MR. LEEDBERG: I'm sure I have one.</p> <p>18 I can get one to you if that's the best you have.</p> <p>19 MR. DURSO: Here. You know what,</p> <p>20 I've got a better copy. Let me -- it's a little</p> <p>21 darker; that's why I picked that one, though.</p> <p>22 That's the --</p> <p>23 MR. LEEDBERG: Okay. I'm not sure</p> <p>24 it matters, Carmen. I just wanted to point it out</p>

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<p>14</p> <p>1 to you.</p> <p>2 MR. DURSO: Yeah. No, well, let's</p> <p>3 do one that's got it all.</p> <p>4 Can we substitute this exhibit --</p> <p>5 MR. LEEDBERG: That's fine.</p> <p>6 MR. DURSO: -- is that okay with</p> <p>7 you?</p> <p>8 MR. LEEDBERG: I have no objection.</p> <p>9 MR. DURSO: Make this a substitute</p> <p>10 exhibit, because we won't have that issue with</p> <p>11 this. And at the same time if you can mark -- I</p> <p>12 think this one's a little clearer than this one.</p> <p>13 So if you can mark this as Exhibit 2, also, okay?</p> <p>14 (Document marked as Exhibit No. 2.)</p> <p>15 Q Could you take a look at Exhibit 2,</p> <p>16 please?</p> <p>17 (Document exhibited to witness.)</p> <p>18 (Witness perusing document.)</p> <p>19 A Yeah.</p> <p>20 Q Okay. What is that form, Exhibit 2?</p> <p>21 A It is an accident report from the</p> <p>22 Sherborn Fire Department.</p> <p>23 Q That's a form you're familiar with?</p> <p>24 A Yes.</p>	<p>16</p> <p>1 A We were in drill that night right</p> <p>2 here --</p> <p>3 Q Yeah.</p> <p>4 A -- in the training drill, department</p> <p>5 drill --</p> <p>6 Q Okay.</p> <p>7 A -- and we got dispatched -- I was on the</p> <p>8 ambulance that night, to start from the beginning.</p> <p>9 I was on the ambulance that night, my duty night.</p> <p>10 Q Okay. And is there a particular call or</p> <p>11 designation for the ambulance?</p> <p>12 A For the -- when it goes out?</p> <p>13 Q Yeah.</p> <p>14 A Any medical or MVA, really. Is that</p> <p>15 what you mean?</p> <p>16 Q I don't know. I've been -- well, what I</p> <p>17 want to know is this what they refer to as A1?</p> <p>18 A That's the ambulance; A1 is the</p> <p>19 ambulance.</p> <p>20 Q Yeah, okay.</p> <p>21 A They call it A1 --</p> <p>22 Q Yeah, all right.</p> <p>23 A -- for short.</p> <p>24 Q Okay. So that's the ambulance that was</p>
<p>15</p> <p>1 Q Okay. Now, does that form contain any</p> <p>2 of your handwriting?</p> <p>3 A Yes, I filled this report out.</p> <p>4 Q Okay. And at the bottom of that form is</p> <p>5 there a -- is there a signature there?</p> <p>6 A Yes.</p> <p>7 Q And is that your signature?</p> <p>8 A Yes.</p> <p>9 Q Okay, great.</p> <p>10 Now, do you remember the particular</p> <p>11 incident that resulted in that form being filled</p> <p>12 out?</p> <p>13 A Yes, we had a problem with the</p> <p>14 stretcher.</p> <p>15 Q Okay. What I'd like you to do, if you</p> <p>16 would, if you could tell me, starting, as best you</p> <p>17 can recall, the beginning of the run that night</p> <p>18 and -- and, you know, what -- what happened as a</p> <p>19 result.</p> <p>20 MR. LEEDBERG: Object as to form.</p> <p>21 and go ahead and answer.</p> <p>22 A All right. Like the whole run, say what</p> <p>23 happened?</p> <p>24 Q Yeah.</p>	<p>17</p> <p>1 involved?</p> <p>2 A Yes.</p> <p>3 Q Is there more than one ambulance here?</p> <p>4 A No.</p> <p>5 Q So A1 --</p> <p>6 A Yeah, A1.</p> <p>7 Q A1 is it. Okay.</p> <p>8 So do you remember what time the</p> <p>9 ambulance went out?</p> <p>10 A The times are on there. I remember --</p> <p>11 Q Okay. From looking at the run sheet,</p> <p>12 can you tell me that?</p> <p>13 A It was about 6:46.</p> <p>14 Q Okay. That's the time that it left</p> <p>15 here, the building we're in here?</p> <p>16 A Yeah.</p> <p>17 MR. LEEDBERG: If you remember,</p> <p>18 Scott.</p> <p>19 A Yeah, I remember it was at night; it was</p> <p>20 a drill night. I believe it was about....</p> <p>21 Q Okay. How often do you have drills?</p> <p>22 A Three times a month I believe it is.</p> <p>23 Q And is it part of your duties to take</p> <p>24 part in those drills?</p>

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<p style="text-align: right;">18</p> <p>1 A Yes.</p> <p>2 Q Are you paid for drills as well as going</p> <p>3 out on runs?</p> <p>4 A Yes.</p> <p>5 Q And is this a situation where you get --</p> <p>6 you get paid for the hours you spend in the</p> <p>7 building as opposed to just the hours that you're</p> <p>8 out on the actual run itself?</p> <p>9 A When you're at the building here --</p> <p>10 Q Yeah.</p> <p>11 A -- waiting for a call.</p> <p>12 Q Yeah.</p> <p>13 A No, you only get paid an hour for that.</p> <p>14 You're on duty from 6:00 at night till six in the</p> <p>15 morning.</p> <p>16 Q Yeah.</p> <p>17 A It works out to be -- they've changed</p> <p>18 it. I think it's back to every sixth day -- every</p> <p>19 sixth night, and you're just paid an hour for that</p> <p>20 night to be on duty --</p> <p>21 Q Yeah.</p> <p>22 A -- and then you're paid when you go out</p> <p>23 for the call.</p> <p>24 Q For the actual time out?</p>	<p style="text-align: right;">20</p> <p>1 Q Okay.</p> <p>2 A -- maybe a hundred yards, 200 yards.</p> <p>3 Q Okay. So it says you got there at 6:47.</p> <p>4 So, I mean, you're there almost immediately?</p> <p>5 A Yeah, you sign off and sign on pretty</p> <p>6 much.</p> <p>7 Q Okay. And when you got there, what did</p> <p>8 you see?</p> <p>9 A We didn't see anything at first. We</p> <p>10 pulled up in front of the building, I believe. We</p> <p>11 kind of pulled around the back looking for the</p> <p>12 pedestrian, because usually when you're dispatched</p> <p>13 for an incident, there's usually a lot of</p> <p>14 commotion and it's usually pretty easy to see. So</p> <p>15 we didn't see anything at first. I believe police</p> <p>16 were on scene, and we were met by the gentleman</p> <p>17 that was very, very agitated, and he was sort of</p> <p>18 limping.</p> <p>19 Q Okay. If I tell you his name was</p> <p>20 Mr. Koran, would --</p> <p>21 A Yeah, Mr. Koran, however you pronounce</p> <p>22 it, Koran.</p> <p>23 Q Yeah.</p> <p>24 A And he stated that someone had ran over</p>
<p style="text-align: right;">19</p> <p>1 A Yes, there's a two-hour for the</p> <p>2 transport --</p> <p>3 Q Okay.</p> <p>4 A -- you get a minimum of two hours.</p> <p>5 Q All right. Okay, so this is done in</p> <p>6 military time --</p> <p>7 A Yes.</p> <p>8 Q -- 1846, and that's 6:46?</p> <p>9 A Yes.</p> <p>10 Q Okay. And where did you go from here?</p> <p>11 A We got dispatched from here for a</p> <p>12 pedestrian versus motor vehicle at the Sherborn</p> <p>13 Inn.</p> <p>14 Q Okay. And where's the Sherborn Inn from</p> <p>15 here?</p> <p>16 A It is right over here. (Indicating.)</p> <p>17 If you went out of here --</p> <p>18 Q You're -- I've got to stop you, because,</p> <p>19 for the deposition, you're pointing.</p> <p>20 A Oh, sorry.</p> <p>21 Q And as you go out the front of the</p> <p>22 building --</p> <p>23 A You take a right and it's a quarter mile</p> <p>24 down, not even, on your left --</p>	<p style="text-align: right;">21</p> <p>1 his foot and then had left the scene.</p> <p>2 Q Okay. Where was he at that point when</p> <p>3 you first saw him?</p> <p>4 A I believe on the side of the -- in the</p> <p>5 parking lot.</p> <p>6 Q Okay. What were the weather conditions</p> <p>7 at that time, do you recall?</p> <p>8 A I remember it was a cool night, and it</p> <p>9 was dry, I know that.</p> <p>10 Q Was there snow on the ground?</p> <p>11 A No, I don't believe so. If there was,</p> <p>12 there wasn't on the roads.</p> <p>13 Q Okay. And did he have a motor vehicle?</p> <p>14 A Yes.</p> <p>15 Q And do you know where the motor vehicle</p> <p>16 was?</p> <p>17 A No.</p> <p>18 Q And how did you know he had a motor</p> <p>19 vehicle?</p> <p>20 A He said he was meeting some people</p> <p>21 there.</p> <p>22 Q Okay. And can you give me a landmark in</p> <p>23 terms of where he was when you first saw him?</p> <p>24 A First saw him, he was -- it's hard to</p>

6 (Pages 18 to 21)

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22

24

1 describe. There's kind of a parking lot in front,
2 and then there's a row of hedges, then there's the
3 parking for the -- it's like a little road that
4 runs actually around the back and we found him
5 there.

6 **Q Okay. Out in back of the inn?**

7 **A To the side.**

8 **Q To the side. Which side, right or the**
9 **left?**

10 **A Well, actually, I think it would be the**
11 **-- it would be the front entrance. It's kind of**
12 **set up funny. There's an entrance to the -- the**
13 **restaurant side, and there's an actual front along**
14 **the road.**

15 **Q Okay. But in terms of the front of the**
16 **building, more to the right or more to the left?**

17 **A It would be to the left, yeah, the front**
18 **entrance now for the public for the restaurant.**

19 **Q Has it changed since --**

20 **A No. No, it has not.**

21 **Q Okay. Is there more than one entrance**
22 **into the -- into the inn?**

23 **A I know of two.**

24 **Q Okay. Is there a -- is there an exit**

1 **A Yeah. What it is, is there's a road**
2 **that goes in that it's an actual town road, it**
3 **accesses to land in the back, and their road kind**
4 **of comes in along the building, and there's**
5 **parking here, a row of shrubs, and it comes out**
6 **here, and you can park over here, across the other**
7 **side of the street. (Indicating.)**

8 **Q Okay. So which part is -- where is the**
9 **one way?**

10 **A Right along the building. I believe --**
11 **I believe it's one way.**

12 **Q So if you're coming from the right, the**
13 **immediate entrance is the first road you come to?**

14 **A You take the left, I forget the name of**
15 **the street, and you take a right into their little**
16 **road -- driveway --**

17 **Q Yeah.**

18 **A -- that goes by the front entrance.**

19 **Q Yeah. And then does the one way come**
20 **out on the other side?**

21 **A It comes out on that street that you**
22 **make the left onto.**

23 **Q Okay. Do you think you could draw that?**

24 **A Yeah.**

23

25

1 **that's an exit only?**

2 **A I can't answer that. I haven't been**
3 **there in a while.**

4 **Q Okay. I've been given the impression**
5 **that there's a -- there's a one way there at some**
6 **point. Is there? Would you know that?**

7 **MR. LEEDBERG: Objection as to form.**
8 **Go ahead and answer if you can, Scott.**

9 **A For the parking lot itself?**

10 **Q I don't know. For the entranceway to**
11 **the inn.**

12 **A For the traffic?**

13 **Q Yeah.**

14 **A Yeah, I believe so.**

15 **Q Okay. And looking at the inn from the**
16 **road, would that be to the right or to the left?**

17 **A To the right. You go in, it's sort of**
18 **like a horseshoe that goes around the front of the**
19 **building --**

20 **Q Yeah.**

21 **A -- and there's like six, seven parking**
22 **spots in front there, mostly handicap, I believe.**

23 **Q Okay. So to get in there -- you said**
24 **it's like a horseshoe?**

1 **MR. LEEDBERG: I have no objection.**

2 **A I don't care. Yeah.**

3 **Q Maybe it will help us to understand.**

4 **A All right. I'm not really good at**
5 **drawing here.**

6 **Q That's okay, just to get some sense of**
7 **what's going on.**

8 **A Similar to that. This would be the**
9 **shrubs here, there's parking here. (Indicating.)**

10 **Q Yeah. Is this Route 27 out here?**
11 **(Indicating.)**

12 **A I forget -- Route 27 would be right**
13 **here. (Indicating.)**

14 **Q Okay.**

15 **A The inn is sort of -- sort of looks like**
16 **-- like that, something sort of like that. I**
17 **think. (Indicating.)**

18 **Q That's the building?**

19 **A That would be -- this would be the end,**
20 **I think. (Indicating.)**

21 **Q Okay. Could you just put B-L-D-G on**
22 **that?**

23 **A B-L-G, all right.**

24 **Q B-L-D-G, yeah.**

7 (Pages 22 to 25)

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<p style="text-align: right;">26</p> <p>1 MR. LEEDBERG: Why don't you mark</p> <p>2 Route 27, too, Scott, please.</p> <p>3 A Excuse my drawing.</p> <p>4 Q Yeah. And just put a B at the beginning</p> <p>5 of that, B?</p> <p>6 A Right here? (Indicating.)</p> <p>7 Q Yeah. That's good. Great.</p> <p>8 So that's the building. This is</p> <p>9 Route 27?</p> <p>10 A This would be 27.</p> <p>11 Q And what's this over here?</p> <p>12 (Indicating.)</p> <p>13 A This would be the street.</p> <p>14 Q Do you know the name of the street?</p> <p>15 A I have no idea.</p> <p>16 Q Okay. What's this? (Indicating.)</p> <p>17 A This would be trees. (Indicating.)</p> <p>18 Q Okay. Can you put trees? (Indicating.)</p> <p>19 A Yeah. (Witness complied.)</p> <p>20 Q Okay. Now, are you able to say</p> <p>21 approximately where it was you saw Mr. Koran when</p> <p>22 you first saw him?</p> <p>23 A I believe the ambulance was parked right</p> <p>24 about here, facing out, the street. (Indicating.)</p>	<p style="text-align: right;">28</p> <p>1 A (Witness complied.)</p> <p>2 Q Great. Okay.</p> <p>3 And you did not see his car; is that</p> <p>4 right?</p> <p>5 A No, he stated that he was meeting</p> <p>6 somebody there for dinner, I believe it was.</p> <p>7 Q Okay.</p> <p>8 A That's what brought him to the Sherborn</p> <p>9 Inn.</p> <p>10 Q Okay. Great. Could you just put your</p> <p>11 initials over here? (Indicating.)</p> <p>12 A Right here? (Indicating.)</p> <p>13 Q Yeah. And just put today 's date, which</p> <p>14 is 9/19/06.</p> <p>15 A (Witness complied.)</p> <p>16 Q Great.</p> <p>17 MR. DURSO: And can you mark that as</p> <p>18 the next exhibit for us, please?</p> <p>19 (Document marked as Exhibit No. 3.)</p> <p>20 Q Okay, so I'm going to leave this here --</p> <p>21 A Yeah.</p> <p>22 Q -- so you can orient, if necessary.</p> <p>23 I'll leave it here with you.</p> <p>24 So you arrive at the scene --</p>
<p style="text-align: right;">27</p> <p>1 Q Okay. Can you put a little -- a little</p> <p>2 rectangle with a V in the direction it's pointed?</p> <p>3 A A triangle? Oh, I know what you mean,</p> <p>4 like a car, like they do in the --</p> <p>5 Q Like that. (Indicating.)</p> <p>6 A Yeah, that's what I thought, yeah, in</p> <p>7 the accident reports.</p> <p>8 (Witness complied.)</p> <p>9 Q Just put an "A" inside that for</p> <p>10 ambulance?</p> <p>11 A (Witness complied.)</p> <p>12 Q Great. Okay.</p> <p>13 And where was Mr. Koran?</p> <p>14 A I believe he was walking right around in</p> <p>15 here, in back of the ambulance, if I'm correct.</p> <p>16 (Indicating.)</p> <p>17 Q Okay. Would you put a "K" to indicate</p> <p>18 where he was?</p> <p>19 A I'm not quite sure. I just remember him</p> <p>20 being in the back, walking around very agitated.</p> <p>21 Q All right. Can you do like a little</p> <p>22 circle in the area where he was walking?</p> <p>23 A Like in here. (Indicating.)</p> <p>24 Q Okay. And put a "K" inside that.</p>	<p style="text-align: right;">29</p> <p>1 A Um-hm.</p> <p>2 Q -- you and Dominick Tolson?</p> <p>3 A And Ron Buckler was with us, I believe.</p> <p>4 Q So three of you?</p> <p>5 A Yes.</p> <p>6 Q Okay. How come three of you?</p> <p>7 A On the duty nights some crews have</p> <p>8 three, some have four.</p> <p>9 Q Ron Buckler is, what, deputy chief?</p> <p>10 A Was deputy at the time.</p> <p>11 Q What is he now?</p> <p>12 A I think just a fire fighter.</p> <p>13 Q Okay. So Ron Buckler, you, and Dominick</p> <p>14 Tolson?</p> <p>15 A Correct.</p> <p>16 Q Is there a -- is there an order to this?</p> <p>17 Because Ron Buckler was a deputy chief, is he sort</p> <p>18 of in charge?</p> <p>19 A Yeah, he would be -- he would be at the</p> <p>20 time. I don't believe -- I don't know if he still</p> <p>21 is. He was an intermediate, which is the I level,</p> <p>22 too.</p> <p>23 Q Okay. For an EMT you mean?</p> <p>24 A Yes, he was an EMT I.</p>

8 (Pages 26 to 29)

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32

1 Q Okay. So he was certified at a higher
2 level?
3 A Never mind -- yes, the medical.
4 Q That would be the primary consideration
5 in terms of who would take charge at a scene; is
6 that it?
7 A It all -- it has -- deputy, yeah, too,
8 and he was an I.
9 Q Okay. All right. So there were the
10 three of you there?
11 A Um-hm.
12 Q And when you get there, what happens?
13 A We find Mr. Kor....
14 Q Koran.
15 A Koran. Police were on -- I can't
16 remember if they were on scene or we all arrived
17 together. And he was very, very agitated. He
18 just cared more about the lady that took off that
19 ran over his foot.
20 Q Okay.
21 A He was really agitated about that. I
22 can't remember -- one of the -- I think it was Ron
23 Downing at the time, he's really level-headed,
24 calmed -- I mean Ron Buckler, I apologize.

31

33

1 Q Yeah.
2 A He's very good with people, very calm
3 person, and he finally brought him in back of the
4 ambulance and calmed him down.
5 Q Okay. And then what happened?
6 A We asked what happened once he was
7 calmed down, and he said the lady had ran over his
8 foot and she had taken off.
9 Q Okay. And what did you guys do then?
10 A Looked at his foot.
11 Q On the scene?
12 A In back of the ambulance, yes.
13 Q How do you do that? I mean --
14 A Remove the person's sock -- well, shoe
15 and sock.
16 Q Put him inside or do you do it --
17 A Yes.
18 THE STENOGRAPHER: Wait. I'm sorry.
19 You have to talk one at a time.
20 MR. LEEDBERG: I don't think we ever
21 went over the ground rules with Scott. You want
22 to do that real quick? It might avoid some
23 problems.
24 Q This young lady takes down --

1 A Yes, I see that.
2 Q -- every word we say, and when she gets
3 all done, she's gonna have a transcript. You
4 won't believe how she's captured everything that
5 we say. The problem is she can only take it down.
6 A As one person speaks.
7 Q Yeah. So it's really important that you
8 wait for me to stop before you start, and me too,
9 that I wait for you to stop before I start --
10 A All right.
11 Q -- otherwise it's going to be garbled.
12 Okay?
13 So, I'm sorry, what was I asking
14 you?
15 A The --
16 Q Yeah, about getting him in the vehicle.
17 A Yes. Most -- that type of situation, it
18 depends, it looked very minor, we figured we'd put
19 him in back of the ambulance --
20 Q Yeah?
21 A -- instead of doing it outside, do
22 the -- you know, it was a cold night --
23 Q Yeah.
24 A -- and to calm him down and get him

1 inside and out of the public view --
2 Q All right.
3 A -- give him a little more privacy.
4 Q Who did that?
5 A I believe it was Ron Downing -- I mean
6 Ron Buckler. I'm sorry, I keep saying that. We
7 have a Ron Downing here too, so I always get the
8 two of them mixed up.
9 Q You're sure it was Ron Buckler that
10 was --
11 A Oh, yeah. Yes.
12 Q Are the names of the people who were on
13 the scene on this run sheet?
14 A No --
15 Q Okay.
16 A -- I don't believe so.
17 Q And why is that?
18 A This is the -- this is the run report
19 for the state that you've got to leave -- every
20 ambulance in the state of Massachusetts has to
21 leave what they call a trip report, run report.
22 Q Yeah.
23 A He was on the call, but he wasn't on the
24 transport, so that's why his name is not on the

9 (Pages 30 to 33)

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<p style="text-align: right;">34</p> <p>1 trip report. It's only who was on the ambulance.</p> <p>2 Q Okay. Is there another document</p> <p>3 generated that has the information about who's</p> <p>4 there?</p> <p>5 A There is. I don't know where that is.</p> <p>6 We have a -- a check-off sheet, I think that's</p> <p>7 what they call it. It has everybody's names and</p> <p>8 they check off who was at the call so they get</p> <p>9 paid.</p> <p>10 Q Okay. And is that produced for every</p> <p>11 trip or for every day?</p> <p>12 A For every trip, incident, I should say.</p> <p>13 It checks off everybody that shows up at the</p> <p>14 scene.</p> <p>15 Q Okay. All right. And you're sure it</p> <p>16 was Ron Buckler and not this other Ron that was</p> <p>17 with you?</p> <p>18 A Yes.</p> <p>19 Q Okay. All right. So who actually did</p> <p>20 the examination, if any, of Mr. Koran?</p> <p>21 A I believe Dominick and Mr. Buckler.</p> <p>22 Q Okay. You did not physically -- well,</p> <p>23 first of all, did it involve taking off his shoe?</p> <p>24 A Yes.</p>	<p style="text-align: right;">36</p> <p>1 observe about the injury?</p> <p>2 A I can't recall it was so long ago.</p> <p>3 Q Do you remember hearing the other EMTs</p> <p>4 say anything about the injury.</p> <p>5 A It was minor, because that's one of the</p> <p>6 reasons Mr. Buckler didn't transport with us,</p> <p>7 because it wasn't going to be an ALS run.</p> <p>8 Q Didn't transport with you?</p> <p>9 A Yes. On BLS transports --</p> <p>10 Q Yeah.</p> <p>11 A -- usually you don't -- if you don't</p> <p>12 need ALS, they don't come, they don't ride along</p> <p>13 with you to the hospital.</p> <p>14 Q How did he get there?</p> <p>15 A He went in the ambulance with us.</p> <p>16 Q Okay. But how did he leave the scene?</p> <p>17 A I do not know. Probably walked back</p> <p>18 because it's a hundred, 200 yards down the street.</p> <p>19 Q Okay. So he didn't go to the hospital</p> <p>20 with you?</p> <p>21 A No.</p> <p>22 Q All right. What care was -- if any, was</p> <p>23 rendered at the scene to Mr. Koran before he went</p> <p>24 to the hospital?</p>
<p style="text-align: right;">35</p> <p>1 Q All right. Were you involved with any</p> <p>2 of that physical hands on care?</p> <p>3 A No, I was in the doorway for a lot of</p> <p>4 the time --</p> <p>5 Q Okay.</p> <p>6 A -- of the ambulance, the side door.</p> <p>7 Q Yeah.</p> <p>8 A I drove the ambulance over there I</p> <p>9 believe. I know I drove it to the hospital. I</p> <p>10 believe I drove it to the scene.</p> <p>11 Q Okay. So do you remember what care was</p> <p>12 given to Mr. Koran for his foot, what -- what the</p> <p>13 others did?</p> <p>14 A They removed his shoe and sock and</p> <p>15 examined his foot.</p> <p>16 Q Okay. And did you hear them say</p> <p>17 anything as to what they observed or did you</p> <p>18 observe anything about his foot yourself?</p> <p>19 A I don't remember. I remember he was</p> <p>20 hesitant about going to the hospital at the time.</p> <p>21 Mr. Koran.</p> <p>22 Q Okay. Did he say why?</p> <p>23 A It was a minor injury.</p> <p>24 Q Okay. And what, if anything, did you</p>	<p style="text-align: right;">37</p> <p>1 A His shoe was removed, the sock, they</p> <p>2 examined the foot. If I'm correct, I don't</p> <p>3 remember seeing any bruising at the time. They</p> <p>4 applied ice. We put him in the stretcher, took a</p> <p>5 set of vitals.</p> <p>6 Q Okay. Was his foot wrapped?</p> <p>7 A Yes -- not wrapped, but the ice was on</p> <p>8 it and wrapped, I believe.</p> <p>9 Q So do you have to put a wrap around to</p> <p>10 hold the ice in place?</p> <p>11 A Yes. That was -- it was more or less on</p> <p>12 there I believe to keep the icepack, and he was</p> <p>13 really agitated, I remember that.</p> <p>14 Q Okay.</p> <p>15 A Because I was in the doorway with the</p> <p>16 police at the time, and I remember them saying the</p> <p>17 lady was all shaken up at the PD, because she had</p> <p>18 drove to the police station, and she was really,</p> <p>19 really -- I remember that. being scared, because I</p> <p>20 was in the doorway with one of the police officers</p> <p>21 at the time.</p> <p>22 Q Okay.</p> <p>23 A Because he was very, very agitated. And</p> <p>24 then -- because when we were packing, I remember</p>

10 (Pages 34 to 37)

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1 him saying he was going to therapy for anger
2 management, and his counselor wouldn't like it or
3 would be upset or something like that. I remember
4 him saying he was going to anger management.
5 Because he was very -- very agitated at the scene.

6 But, like I said, Ron Downing after
7 a while calmed him down. And after inspecting the
8 foot, he decided to go. Because he was real
9 hesitant about going because he was worried about
10 his car, he was out of state, and they finally
11 convinced him to go.

12 **Q Okay. So once it was determined that he**
13 **would go to the hospital -- where was he gonna go**
14 **by the way?**

15 A It all depends on the type of incident,
16 really. Like on a call like this with what we
17 call a BLS transport, most likely Framingham or
18 Natick, patient's choice, but where he's from out
19 of state, we took him to the closest.

20 **Q What's BLS mean?**

21 A Basic life support.

22 **Q Okay. As opposed to ALS?**

23 A Yes.

24 **Q Which is what?**

39

1 A Advanced life support.

2 **Q I'm sorry, you took him to the closest**
3 **place, which was where?**

4 A MetroWest Natick.

5 **Q Okay. And in order to transport him,**
6 **what did you do?**

7 A You place the patient in the stretcher.

8 **Q Yeah.**

9 A You've got to apply -- I should
10 remember. It's like -- I mean, I do it so much --
11 I believe it's four straps. They have shoulder
12 straps that come over the shoulders to keep the
13 patient in the ambulance if you're involved in a
14 motor vehicle accident. You put all the straps
15 on, make the patient comfortable, and then
16 initiate the transport.

17 **Q Okay. Who did that?**

18 A Dominick, I believe. I could have
19 helped out. I usually do if I'm -- while the other
20 guys do their inspection of the injury and doing
21 vitals. usually to speed the process up. It was
22 so long ago. I don't remember. But it's also --
23 just so you know it's also a state law, it's
24 mandated by us, to fully secure the patient with

40

1 all those straps.

2 **Q Is the stretcher itself placed in a**
3 **particular position in the ambulance?**

4 A Pretty much into the middle of the back
5 of the ambulance, and it has a lock that locks
6 the stretcher actually in place.

7 **Q Locks it to the ambulance floor?**

8 A Correct. There's a lever that locks it,
9 and the front wheels are cradled in a type of --
10 it's to hold 'em from going from side to side.
11 It's not really a -- it doesn't physically lock
12 it, but it keeps it from going from side to side.

13 **Q Okay. Does it have a groove or**
14 **something?**

15 A Yes.

16 **Q All right. And then on the -- the**
17 **stretcher itself, what is -- what was Mr. Koran's**
18 **position on the stretcher?**

19 A He was in the sitting position.

20 **Q Okay. So the stretcher can be adjusted**
21 **so the person can sit up?**

22 A Yes, you can have it so the feet are
23 elevated, you can have it so the head is elevated
24 up so he can be in the sitting position.

41

1 **Q Okay. And do you recall his position?**

2 A He was sitting up.

3 **Q All right. He's -- he's sitting up so**
4 **that he's bent from the -- from the hips upward?**

5 A Yes.

6 **Q Is he entirely in a vertical position or**
7 **is he back or....**

8 A I don't know how far up it was. It was
9 up, though.

10 **Q Okay. And how about his legs?**

11 A They were laying flat.

12 **Q Horizontal?**

13 A Horizontal, yes.

14 **Q Not -- not elevated?**

15 A Not that I believe.

16 **Q Okay. And were both of his feet on the**
17 **stretcher?**

18 A Yes.

19 **Q Okay. All right. And then in addition**
20 **to that, you say he has a number of straps to hold**
21 **him in position on the stretcher itself?**

22 A Yes.

23 **Q How many stretchers are there in the --**
24 **in the A1 ambulance?**

11 (Pages 38 to 41)

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<p style="text-align: right;">42</p> <p>1 A There are just one.</p> <p>2 Q Okay. And is that a -- a piece of</p> <p>3 equipment you're familiar with?</p> <p>4 A Yes.</p> <p>5 Q Something you use all the time?</p> <p>6 A Yes.</p> <p>7 Q And was the -- you went to the hospital?</p> <p>8 A Correct. I drove.</p> <p>9 Q Okay. So you and Mr. Tolson are the</p> <p>10 only two people with Mr. Koran in the ambulance at</p> <p>11 that time when you're going to the hospital; is</p> <p>12 that right?</p> <p>13 A Correct.</p> <p>14 Q So you go to the hospital, and what's</p> <p>15 the procedure at the hospital?</p> <p>16 MR. LEEDBERG: Object as to form.</p> <p>17 Go ahead and answer if you can.</p> <p>18 A There's -- what was the --</p> <p>19 Q What's the procedure --</p> <p>20 A Oh, the procedure, sorry.</p> <p>21 Q -- when you get there.</p> <p>22 A We go up -- we get to the hospital. It</p> <p>23 really depends, most of the time the driver will</p> <p>24 take the stretcher out of the ambulance. There's</p>	<p style="text-align: right;">44</p> <p>1 what you do is you call on CMED, the hospital, and</p> <p>2 you give a quick patient narrative, what you're</p> <p>3 bringing in, patient's age, sex, mechanism of</p> <p>4 injury, illness. And after that, they either give</p> <p>5 you a room assignment or they'll say just -- you</p> <p>6 know, you get the room assignment upon arrival.</p> <p>7 So you get to the hospital. We take</p> <p>8 the patient out. Up at Leonard Morse, you have</p> <p>9 one, two, three doors to get into the emergency</p> <p>10 room, all automatic, they have the sensor and you</p> <p>11 just walk through one, they open and close behind</p> <p>12 you.</p> <p>13 Then you get into the ER, and</p> <p>14 usually you're met by a nurse, or sometimes</p> <p>15 they're real busy you've got to find the nurse,</p> <p>16 and then they see who you're with, and then you</p> <p>17 just give them another quick what you have, if</p> <p>18 there's any patient change, the status of the</p> <p>19 patient. Just in case it, you know, changes, you</p> <p>20 can upgrade the room or....</p> <p>21 Q Okay. In terms of the usual</p> <p>22 procedure --</p> <p>23 A Um-hm.</p> <p>24 Q -- when you come in like that, does one</p>
<p style="text-align: right;">43</p> <p>1 really no procedure, either one of us can do it.</p> <p>2 Q You mean just the driver?</p> <p>3 A Yes.</p> <p>4 Q Just one person?</p> <p>5 A Yes.</p> <p>6 Q Okay. Why is that?</p> <p>7 A It's just the way we do things,</p> <p>8 procedure, because usually the tech's in back of</p> <p>9 the ambulance. Sometimes the tech takes it out.</p> <p>10 It's just the way the -- it depends on the</p> <p>11 situation, who's out of the ambulance first, who</p> <p>12 gets to the stretcher first. There's really no</p> <p>13 procedure that the driver does this and the tech</p> <p>14 does that when you get to the hospital.</p> <p>15 Q Okay. Besides taking the ambulance --</p> <p>16 besides taking the stretcher out of the ambulance,</p> <p>17 rather, what else is there that has to be done</p> <p>18 immediately when you get to the hospital? Does</p> <p>19 somebody have to go into the hospital and open</p> <p>20 doors or something or --</p> <p>21 A The way it works is, on the way to the</p> <p>22 hospital --</p> <p>23 Q Yeah.</p> <p>24 A -- we have a channel called CMED, and</p>	<p style="text-align: right;">45</p> <p>1 person take the -- the patient in and does the</p> <p>2 other person on the vehicle stay with the vehicle?</p> <p>3 A No, you leave the vehicle. Both -- you</p> <p>4 need two people to bring a stretcher in to keep it</p> <p>5 controlled so it doesn't slide all over the place.</p> <p>6 Q Okay. All right. So now going back to</p> <p>7 Mr. Koran --</p> <p>8 A Um-hm.</p> <p>9 Q -- you arrive there. It says you left</p> <p>10 -- it says scene departure time. That means you</p> <p>11 left the inn at 7:08; is that right?</p> <p>12 A I left the....</p> <p>13 Q I see --</p> <p>14 MR. LEEDBERG: I'll object. If you</p> <p>15 remember, Scott. I mean the document --</p> <p>16 Q I see 1908. Is that right?</p> <p>17 MR. LEEDBERG: The document is what</p> <p>18 it is, but, I mean, if you remember.</p> <p>19 A No, I don't remember. Whatever the</p> <p>20 document -- the times. I -- whatever --</p> <p>21 Q Okay. And according to what's indicated</p> <p>22 there, that would be 7:08; is that correct?</p> <p>23 A We left -- scene departure?</p> <p>24 Q Yeah.</p>

12 (Pages 42 to 45)

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<p style="text-align: right;">46</p> <p>1 A 7:08, yes.</p> <p>2 Q Okay. All right. And then the -- it</p> <p>3 looks like -- I can't tell if it's 1950 or 1956,</p> <p>4 but that would be 7:50 or 7:56 that you arrived</p> <p>5 there?</p> <p>6 A No, that's probably a problem with the</p> <p>7 dispatch times.</p> <p>8 Q What's that mean?</p> <p>9 A I don't know how to --</p> <p>10 MR. LEEDBERG: Go ahead and explain</p> <p>11 it.</p> <p>12 A That's way too long of a transport;</p> <p>13 that's about 40 minutes.</p> <p>14 Q Okay. That's what I was going to ask</p> <p>15 you, yeah.</p> <p>16 A That's about a 40-minute transport.</p> <p>17 That would --</p> <p>18 Q How long does it actually take, about?</p> <p>19 A That time of night, ten minutes, eight</p> <p>20 minutes, ten minutes from here.</p> <p>21 Q Okay. Do you have a recollection as to</p> <p>22 -- you drove, you said, right?</p> <p>23 A Yes, correct.</p> <p>24 Q Do you have a recollection as to how</p>	<p style="text-align: right;">48</p> <p>1 A For that --</p> <p>2 Q -- for that 20-odd minutes?</p> <p>3 A For that type of call, yes. Because.</p> <p>4 like I stated, he was very agitated --</p> <p>5 Q Yeah.</p> <p>6 A -- it took a lot of calming down, and he</p> <p>7 was very -- I remember him being very, very</p> <p>8 indecisive about going, and doing what we call a</p> <p>9 patient refusal --</p> <p>10 Q Yeah.</p> <p>11 A -- which is he refused to be transported</p> <p>12 to the hospital. He was back and forth on that.</p> <p>13 Q Okay. So the -- the question would be</p> <p>14 about the hospital arrival time then I take it; is</p> <p>15 that right?</p> <p>16 A Yes, that's a -- that's a glitch. We</p> <p>17 have problems with dispatch. They have a lot of</p> <p>18 dispatchers -- one dispatcher up there. Sometimes</p> <p>19 the times get like this, messed up.</p> <p>20 Q Okay. Well, in any event, you get</p> <p>21 there, and your recollection is, what, that you</p> <p>22 took Mr. Koran out of the --</p> <p>23 A I did take him out of the back.</p> <p>24 Q Okay. And what did you do to do that,</p>
<p style="text-align: right;">47</p> <p>1 long it took you to get there that night?</p> <p>2 A Average. I don't remember anything</p> <p>3 unusual, like, you know, traffic or any type of</p> <p>4 delay.</p> <p>5 Q No weather problems?</p> <p>6 A No weather problems; it was a dry night.</p> <p>7 Q Okay. In terms of your memory, assuming</p> <p>8 that the on scene time is correct, which appears</p> <p>9 to be 6:47; is that right?</p> <p>10 A I believe so, yeah. I mean, it was so</p> <p>11 long ago.</p> <p>12 Q Oh, sure. But I mean assuming that</p> <p>13 that's correct --</p> <p>14 A Yes.</p> <p>15 Q -- would the departure time of 7:08 be</p> <p>16 approximately correct that you would have been on</p> <p>17 the scene?</p> <p>18 A Yeah. I know we were on scene a while,</p> <p>19 I remember that.</p> <p>20 Q Okay.</p> <p>21 A That, I remember.</p> <p>22 Q But, I mean, does that -- does that seem</p> <p>23 like the right amount of time to you that you</p> <p>24 would have been there for --</p>	<p style="text-align: right;">49</p> <p>1 do you -- do you start from the outside of the</p> <p>2 rear or do you go into the -- are you able to go</p> <p>3 from your driver's seat into the back or do you</p> <p>4 have to go around?</p> <p>5 A There's a little doorway there, but, no,</p> <p>6 you'd never do that.</p> <p>7 Q Okay.</p> <p>8 A You put the truck in park, set the</p> <p>9 emergency brake, go around to the back, open the</p> <p>10 doors, usually grab a set of gloves, Latex gloves.</p> <p>11 and then you fold your -- the rear bumper folds</p> <p>12 up, which you have to fold up.</p> <p>13 Q Okay.</p> <p>14 A And then just -- you unlock the</p> <p>15 stretcher from the box or the ambulance.</p> <p>16 Q And how do you do that?</p> <p>17 A You just push it.</p> <p>18 Q Push what?</p> <p>19 A There's a bar that runs along the</p> <p>20 left-hand side of the stretcher. It's a lock that</p> <p>21 -- that holds the stretcher to the ambulance</p> <p>22 floor.</p> <p>23 Q Okay. So that lever -- that's a lever</p> <p>24 that's on the stretcher itself?</p>

13 (Pages 46 to 49)

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<p style="text-align: right;">50</p> <p>1 A No, it's on the floor, it mounts to the 2 floor. 3 Q It's part of the ambulance? 4 A Yes, it's part of the ambulance. 5 Q Okay. And that controls whether the 6 stretcher is locked to the vehicle or not? 7 A Yes. 8 Q Okay. All right. So you unlock that in 9 order to take it out? 10 A Yeah. It makes a click when you push 11 it. 12 Q Okay. And what happens next? 13 A You pull the stretcher out. 14 Q Yeah. What happens when you pull the 15 stretcher out? 16 A The wheels drop down. 17 Q Okay. And the wheels drop down to the 18 ground? 19 A Correct. 20 Q And that's because the ground is at a 21 different level -- 22 A Yes. 23 Q -- from the back of the ambulance; is 24 that right?</p>	<p style="text-align: right;">52</p> <p>1 A Yeah, about probably there. 2 Q Okay. Good. Thank you. 3 A Yeah. 4 Q Okay. And what is the mechanism by 5 which the wheels come down when you -- 6 MR. LEEDBERG: Objection as to form. 7 Go ahead and answer if you can. 8 A All right, you pull the stretcher out, 9 you hold it up slightly to let the wheels swing 10 down so you can hear it click. 11 Q Okay. But how do they fall; is it by 12 gravity or do you -- 13 A Yes. 14 Q -- pull a lever or -- 15 A By gravity. 16 Q Okay. So the wheels, before they come 17 out of the ambulance, are they on the floor of the 18 ambulance? 19 A Yes, they scissor up. 20 Q Yeah. 21 A Then when you pull it out, they scissor 22 down -- 23 Q Okay. 24 A -- and they click.</p>
<p style="text-align: right;">51</p> <p>1 A Yes. What you do is, you pull out -- 2 Q How high is the back of the ambulance? 3 A I don't know. 4 Q In terms of -- would you mind standing 5 up for a second? 6 A Yeah. (Witness complied.) 7 Q Okay. In terms of on your body where 8 does the floor of the ambulance come on you when 9 you're standing up? 10 THE WITNESS: Is that all right? 11 MR. LEEDBERG: If you know. Don't 12 guess. 13 A Roughly, right in here. (Indicating.) 14 MR. LEEDBERG: Verbalize that. 15 A The waist, just below the waist. 16 Q Okay. Let's see, when your arms are 17 down by your side, about where your wrist -- your 18 wrist joins your hands? 19 A For the.... 20 Q Where your wrist comes together with 21 your hand, is that about where it is? 22 A Yes. 23 Q If you put that on your side, is that 24 where it is?</p>	<p style="text-align: right;">53</p> <p>1 Q Okay. And that's one end of the 2 stretcher, that's the end closest to you; is that 3 right? 4 A Correct. 5 Q Is that the end with the patient's head 6 or the patient's feet? 7 A The patient's feet. 8 Q Okay. And as you bring the ambulance -- 9 as you bring the stretcher out of the ambulance, 10 what else happens mechanically to the stretcher? 11 A It clicks and locks into place. 12 Q Okay. Well, you've -- you've got a 13 stretcher that's got two sets of wheels -- 14 A Um-hm. 15 Q -- holding it up in the ambulance, 16 right? 17 A Yes, the same wheels that are on the 18 ground. 19 Q Okay. Do all four wheels come down at 20 once? 21 A Yes, they're all attached. 22 Q And what is the other end of the -- the 23 stretcher attached to while the wheels are coming 24 down?</p>

14 (Pages 50 to 53)

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1 A Attached to the -- you mean to the
2 ambulance?

3 Q Yeah, what's it holding onto?

4 A There's actually -- I believe there's
5 about eight sets of wheels on it.

6 Q Okay. So they're --

7 A There's --

8 Q My point is that there's some set of
9 wheels that are on the floor of the ambulance
10 while the other wheels are coming down; is that
11 right?

12 A Yeah, there's two front little wheels.

13 As you pull out --

14 Q Yeah.

15 A -- they ride along the floor.

16 Q Yeah. And they come down?

17 A No, those are fixed to the stretcher.

18 Q These are in the back you're talking
19 about?

20 A Yes.

21 Q And they're still on the floor while the
22 other wheels are coming down on the ground outside
23 the --

24 A Yeah, they don't physically move.

55

1 They're mounted to the front of the stretcher.

2 Q Okay.

3 A There's two of them on either side.

4 Q All right. So when those wheels come
5 down, is the stretcher at that point supposed to
6 be self-supporting in terms of holding up the
7 patient?

8 A After you hear the click.

9 Q After you hear the click.

10 A We hear the click, yes, they are
11 standing on the four -- they're supported by those
12 four wheels that are on the ground.

13 Q Okay.

14 A Depending on elevation, sometimes your
15 front wheels on your stretcher that are mounted up
16 to the front, sometimes they'll sit on the edge of
17 the ambulance.

18 Q Okay. When you brought Mr. Koran out of
19 the ambulance, do you remember hearing the click?

20 A Yes.

21 Q Okay. And when he was -- the ambulance
22 -- did the ambulance come out of the vehicle
23 immediately?

24 MR. LEEDBERG: Objection as to form.

56

1 Q I'm sorry. Did the stretcher come out
2 of the ambulance immediately?

3 A What do you mean by....

4 Q Well, in other words, did it come out
5 completely?

6 A No, we come out very slow.

7 Q Okay. And why was that?

8 A Patient's comfort, you don't want to
9 scare them. I mean, there's no rush.

10 Q Oh, sure. But as you brought it out,
11 you said the wheels dropped down; is that right?

12 A Yes, it came out very -- very -- you
13 always come out slow --

14 Q Okay.

15 A -- and then you lift it up slightly as
16 you're pulling it out, the wheels, you hear a
17 click when they lock.

18 Q Yeah.

19 A And then after that, you place it just
20 gently on the ground and then you wheel it away
21 from the ambulance.

22 Q Okay. So the wheels drop down and click
23 before the wheels actually touch the ground; is
24 that what you're saying?

57

1 A Yes.

2 Q Okay. And what happened with Mr. Koran
3 in this particular instance when the wheels
4 came -- when you brought the stretcher out of the
5 ambulance?

6 A It was so long ago, I -- like I usually
7 do, I unlocked the -- opened the doors to the
8 back, I unlocked the stretcher from the ambulance,
9 I slowly pulled it out, lifting it up as I come
10 up, just so I can get the wheels to click down,
11 the wheels clicked. I placed the stretcher down.
12 The rear wheels I believe were still hanging over
13 the back of the ambulance.

14 Q Okay. What happened next?

15 A I slowly pulled it away. I do not
16 remember if Mr. Tolson was in or out of the
17 ambulance at that time.

18 Q Okay. What happened next?

19 A As I pulled it away, the stretcher
20 collapsed, not really collapsed, but it came down.

21 Q Okay. And any idea why that happened?

22 A No idea.

23 Q If you wanted the stretcher to go down
24 flat, what would you have to do?

15 (Pages 54 to 57)

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<p>58</p> <p>1 A You need two people to lower it; there's 2 levers on either side of it. 3 Q And the lever -- can the levers lower it 4 from one side alone? 5 A I believe you need two. 6 Q So the levers have to be held on both -- 7 A Yeah, and then -- to push it down. 8 Q So one person doing it can't do it; is 9 that what you're saying? 10 A Yes. 11 Q All right. You're hesitant. I mean, do 12 you -- are you comfortable saying that one person 13 at the -- attending the stretcher cannot lower it 14 by himself? 15 MR. LEEDBERG: Don't guess. If you 16 know, you know. 17 A I'll say no, I can't -- 18 Q You don't know, or are you saying -- I'm 19 sorry, you answer it. 20 A What was it? I mean.... 21 Q Do you know whether or not one person 22 can lower it by himself? 23 A Yes, if you touch the lever, I think. 24 Q Okay. So one person -- sorry. Go</p>	<p>60</p> <p>1 gradual, I remember. It wasn't like a sudden.... 2 Q Okay. And to what level did it drop? 3 A I don't recall the exact height. 4 Q Okay. What did you do when that 5 happened? 6 A Right after it happened we -- I asked 7 Mr. Koran if he was all right. He said, Oh, yeah, 8 I'm fine. I'm fine. I think he was more scared, 9 startled -- 10 Q Sure. 11 A -- which is understandable. 12 Q Was Mr. Tolson out there at that point? 13 A I don't recall. 14 Q What did you do in terms of Mr. Koran's 15 transport at that point? 16 A Asked him several -- several times if he 17 was all right. If he was hurt at all. He stated, 18 no, he was fine. 19 Q Okay. What happened next? 20 A Wheeled him into the ER, went through 21 the first set of doors. I remember asking him 22 again if he was all right. 23 Q How did you wheel him? 24 A Just with a -- like we usually do, but</p>
<p>59</p> <p>1 ahead. 2 A No, go ahead. 3 Q So one person can, by -- by using those 4 levers, lower the stretcher himself? 5 A I don't -- no. 6 MR. LEEDBERG: If you know, you 7 know. Don't guess. 8 A No, I -- 9 Q No, you can't do it or no, you don't 10 know? 11 A It's been a while since I've been on 12 the -- since this incident; that's the reason why. 13 Q Okay. If you're not sure, you need to 14 say that. 15 A I'm not sure. 16 Q Okay. Mr. Koran comes out and the 17 stretcher goes down? 18 A Um-hm. 19 MR. LEEDBERG: Objection as to form. 20 Q What happens -- what happens when that 21 occurs? 22 MR. LEEDBERG: Go ahead and answer. 23 A It dropped to -- I don't know the 24 approximate drop, but it wasn't like -- it was a</p>	<p>61</p> <p>1 it was lower. 2 Q How much lower? 3 A Maybe waist level. 4 Q Okay. As opposed to where; what level 5 would it usually be? 6 A That stretcher it's been a long time. 7 Just below the waist. 8 Q All right. What -- and what I'm asking 9 you is what the usual height would be on you, 10 figure on you. 11 A On that stretcher, it's been a while 12 since I've used it. 13 Q Yeah. Well, in terms of the stretchers 14 you're used to, what height are they usually at? 15 A Usually like around here I think it is. 16 (Indicating.) 17 Q Your abdomen? 18 A Yeah, abdomen. 19 Q Yeah. And it went down to what level? 20 A I believe just below the waist. It was 21 a long time. 22 Q Is that as low as it went or did you 23 raise it up to that level? 24 A After the incident?</p>

16 (Pages 58 to 61)

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<p style="text-align: right;">62</p> <p>1 Q Yes.</p> <p>2 A Left it at that level.</p> <p>3 Q So the lowest that it went was just to</p> <p>4 below the waist?</p> <p>5 A It was somewhere just below the waist.</p> <p>6 Q Okay. Above the knees?</p> <p>7 A Yeah.</p> <p>8 Q Okay. And that's -- that's the level it</p> <p>9 came to, not a level you moved it to; is that what</p> <p>10 you're saying?</p> <p>11 A That's what it dropped to.</p> <p>12 Q Okay. All right. And was there a</p> <p>13 reason why you left the -- the stretcher at that</p> <p>14 level to bring him into the hospital?</p> <p>15 A I don't recall.</p> <p>16 Q Do you remember whether or not you tried</p> <p>17 to move it back up to the usual level?</p> <p>18 A I don't recall on that one.</p> <p>19 Q When Mr. Koran came out of the -- of the</p> <p>20 ambulance -- before he came out of the ambulance,</p> <p>21 he was -- he was in a seated position I think you</p> <p>22 said; is that right?</p> <p>23 A Yes.</p> <p>24 Q When you brought him out of the</p>	<p style="text-align: right;">64</p> <p>1 by.</p> <p>2 Q All right. Is the handle at a -- the</p> <p>3 horizontal level or is it at the height of the</p> <p>4 shoulders when you're seated?</p> <p>5 A It's at the horizontal. It would be at</p> <p>6 the feet level, the frame of the stretcher.</p> <p>7 Q All right. I got it.</p> <p>8 Okay. When -- when you went into</p> <p>9 the hospital, which end of the stretcher were you</p> <p>10 on?</p> <p>11 A I was on the feet.</p> <p>12 Q Okay. And when you're on the feet --</p> <p>13 which is the first part that goes in I think you</p> <p>14 said; is that right?</p> <p>15 A Yes, I believe it was at the feet.</p> <p>16 Q Okay. Do you walk in facing the patient</p> <p>17 or with your back to the patient?</p> <p>18 A Oh, when you bring -- the feet first.</p> <p>19 Q Feet go in first?</p> <p>20 A Yes. There's no protocol which way. I</p> <p>21 believe we went in feet first that day.</p> <p>22 Q Okay. Which way were you facing?</p> <p>23 A Walking in, I believe -- it was so long,</p> <p>24 I don't recall. I don't recall the position I was</p>
<p style="text-align: right;">63</p> <p>1 ambulance, did you bring him out in the seated</p> <p>2 position or was he -- did you make him lie prone</p> <p>3 first?</p> <p>4 A No, no, you can -- seated position.</p> <p>5 Q Okay. So what part of the stretcher was</p> <p>6 at below the waist level, was it his head or his</p> <p>7 feet?</p> <p>8 A I believe it was his feet.</p> <p>9 Q Okay. So where was his head?</p> <p>10 MR. LEEDBERG: I object as to form.</p> <p>11 Answer if you can.</p> <p>12 A I don't recall the height of the head.</p> <p>13 Q Okay. Can you push -- assuming he's</p> <p>14 sitting up, can you push from the shoulder level</p> <p>15 on a seated person?</p> <p>16 A Yes. Whatever position they are in the</p> <p>17 stretcher doesn't affect or compromise the way you</p> <p>18 push the stretcher.</p> <p>19 Q Okay. But if you're in the back of the</p> <p>20 stretcher and he's -- you bring him in feet first?</p> <p>21 A Yes.</p> <p>22 Q Okay. You're at the back of the</p> <p>23 stretcher. Where do your hands go?</p> <p>24 A They have a little handle you can pull</p>	<p style="text-align: right;">65</p> <p>1 in at that date --</p> <p>2 Q Okay.</p> <p>3 A -- at that time.</p> <p>4 Q Do you ever walk in backwards?</p> <p>5 A No, you'd never like physically yourself</p> <p>6 go in backwards, no.</p> <p>7 Q Okay.</p> <p>8 A I mean you'd be facing forward. I can't</p> <p>9 recall if I was at the front of the stretcher or</p> <p>10 the back at the time after that incident.</p> <p>11 Q So to do that, do you have to stay to</p> <p>12 one side of the stretcher?</p> <p>13 A You can be in any position on the</p> <p>14 stretcher. Any sides, front, but we were in the</p> <p>15 front and back.</p> <p>16 Q What do you hold onto when you're --</p> <p>17 when you're facing away and your -- and your back</p> <p>18 is to the stretcher?</p> <p>19 A There's a little -- I forget what -- I</p> <p>20 don't know exactly what they call it. There's a</p> <p>21 little lever there, handle, that you can pull.</p> <p>22 Q Reach back?</p> <p>23 A Yeah, you reach back like this so you</p> <p>24 can hold the framework. (Indicating.)</p>

17 (Pages 62 to 65)

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<p style="text-align: right;">66</p> <p>1 Q All right. And is that your 2 recollection, that you were at the front and 3 Mr. Tolson, was he at the back? 4 MR. LEEDBERG: Objection as to form. 5 Go ahead and answer. 6 A I don't recall on that incident. 7 Q Okay. You were definitely at the front, 8 though? 9 MR. LEEDBERG: Objection as to form. 10 A I don't recall. I was at the feet when 11 I took it out. When I wheeled it in, I don't 12 recall on that; I bring so many patients up there. 13 Q Okay. And you don't recall whether or 14 not Mr. Tolson went in with you? 15 A He did. 16 Q He did? 17 A Yeah, you need two people to pull that 18 in with a patient on it. 19 Q Okay. And you just have no recollection 20 now which end you were on? 21 A I've made so many transports since then 22 I don't recall if I was in the front or back, but 23 you do need, when you have a patient on the back 24 -- when you have a patient on the stretcher, you</p>	<p style="text-align: right;">68</p> <p>1 up? 2 A Don't recall on that, but he was asked 3 several times, several times walking in, if he was 4 all right, and he stated he had no other pains due 5 to that incident, just the foot from the -- being 6 run over. 7 Q Okay. What -- what happened when you 8 got him into the hospital? 9 A Met by the nurse, I believe. 10 Q Yeah. 11 A And they gave us a room assignment, and 12 then we slid him over to the ER bed. And then he 13 was asked several times in there if he was all 14 right and he had any type of injury from the 15 incident that we had, and he stated, no, he was 16 fine. He just had, you know, the chief complaint 17 of the pain from the incident, from being run 18 over. 19 Q Okay. 20 A He had no other complaints of pain or 21 anything. Just he stated a couple times that he 22 was just scared. And we apologized for the 23 incident. And he was like, That's all right, and 24 he was I think more agitated about the whole</p>
<p style="text-align: right;">67</p> <p>1 need two people, because the stretcher -- the four 2 wheels underneath swivel, and the thing would be 3 all over the place. 4 Q Okay. Do you remember whether or not 5 you made some attempt to raise the -- the 6 stretcher back up to the usual level? 7 MR. LEEDBERG: Objection as to form. 8 Go ahead and answer if you can, Scott. 9 A I don't recall on that. 10 Q All right. Would that be your usual 11 practice, to raise it back up to that level? 12 MR. LEEDBERG: Objection as to form. 13 A I've never had it happen to me before. 14 Q Okay. 15 A I don't recall. I just remember, you 16 know, that I hate to see a patient be upset like 17 that. I mean, I usually try to.... 18 Q Sure. 19 A I didn't want to -- I can't recall on 20 it -- 21 Q Okay. 22 A -- on that incident. 23 Q Do you have a memory now as to whether 24 or not you tried and weren't able to raise it back</p>	<p style="text-align: right;">69</p> <p>1 incident he had just come from. 2 Q Okay. Do you remember any interaction 3 you had with the nurse when you came in there? 4 A I don't recall, because usually the 5 driver makes the cot up after the transport, and 6 then the tech gives the whole rundown of the 7 incident to the nurse, and I don't recall. I 8 mean, I've made so many transports. Usually I -- 9 I usually just -- if I'm not teching, I don't 10 bother with the patient and nurse interaction and 11 the tech. 12 Q Okay. Is there anything else about that 13 trip that you remember that you haven't told us? 14 A No, just he was a very agitated person. 15 Q Okay. Did you take the -- did you take 16 the stretcher back to the ambulance? 17 A Yes. 18 Q Did you do it yourself or did Mr. Tolson 19 do it? 20 A On that stretcher you need two people to 21 bring it up. 22 Q Okay. And when you brought it back, do 23 you remember what height it was at? 24 A The load height.</p>

18 (Pages 66 to 69)

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70

1 Q The lower height?

2 A What they call the load -- when we
3 brought it back to the --

4 Q Yeah.

5 A -- station.

6 Q Yeah, when you brought it back to the
7 ambulance.

8 A I don't remember if we wheeled it out in
9 the position that we took Mr. Koran in or if we
10 raised it in the ER. I don't recall on that.

11 Q Okay. Did you have to raise it to get
12 it into the ambulance?

13 A I don't remember -- I remember we got
14 it -- if I -- we got it to -- raised it up to the
15 load position, and then put it in back of the
16 ambulance, I believe -- yeah.

17 Q Okay. Do you remember if you had any
18 problem doing that?

19 A Since then?

20 Q No. At the time did you have a problem
21 getting it up to the load position?

22 A I don't recall on that.

23 Q Okay. After that, did you examine the
24 stretcher?

71

1 A Just maybe a quick glance over, that's
2 it.

3 Q Okay. Had you ever had a stretcher that
4 did what that stretcher did previously?

5 A No.

6 Q So were you concerned or curious as to
7 why it happened?

8 A Yeah.

9 Q Okay. What did you do to find out?

10 A We --

11 MR. LEEDBERG: Objection as to form.
12 Answer if you can, Scott.

13 A -- brought and filled out the incident
14 report.

15 Q The form you're talking about which is
16 Exhibit 2?

17 A Yes, Exhibit 2.

18 Q Well, we'll come to that in a minute. I
19 mean in terms of looking at the stretcher itself
20 to figure out what happened, did you do
21 anything --

22 A Looked at it briefly, but I didn't want
23 to touch it.

24 Q Why?

72

1 A I'm not certified to work on it, no. I,
2 and I didn't want to make things worse.

3 Q Okay.

4 A I mean, I didn't want to mess with it.

5 I figured it's out of my -- not -- you know, I
6 didn't -- you take the proper channels, which is
7 to bring it back. I mean --

8 Q And did you do that?

9 A Yes, this Exhibit 2 --

10 Q Yeah.

11 A -- which would be the accident run
12 report --

13 Q Yeah.

14 A -- or the incident report.

15 Q Okay. I want to ask you about that in
16 just a second.

17 Okay, is all of the writing on that
18 document yours?

19 A Yes.

20 Q And your signature at the end?

21 A Yes.

22 MR. LEEDBERG: Just for the record,
23 we're referring to Exhibit 2?

24 MR. DURSO: Exhibit 2, right.

73

1 Q Would you -- would you be good enough
2 just to read everything to me that it says on that
3 report?

4 A "When loading patient out of the
5 ambulance, the stretcher did not stay up in lock
6 mode and went down to the ground. Patient was not
7 injured."

8 Q What does "lock mode" mean?

9 A That's when -- what I was explaining
10 earlier, when the wheels come down when you pull
11 it out, you get a click.

12 Q Yeah, okay. And when it's in lock mode,
13 is that the load level you referred to previously?

14 A Yeah. It would be the unload, load
15 level.

16 Q Okay. And what did you do with this
17 report, this -- this incident form?

18 A I filled it out, and it was given to the
19 chief of the department.

20 Q Who was that?

21 A Chief McPherson --

22 Q Okay.

23 A -- I believe at the time, because we
24 went through some changes. I believe he was the

19 (Pages 70 to 73)

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<p>1 chief.</p> <p>2 Q When you came back -- you came back here</p> <p>3 to the station, right?</p> <p>4 A Yes.</p> <p>5 Q All right. When you came back here to</p> <p>6 the station, was Ron Buckler here?</p> <p>7 A Everybody was here because of the drill.</p> <p>8 Q Was Chief McPherson here then?</p> <p>9 A I don't -- yeah, I believe so, because</p> <p>10 it was a drill night.</p> <p>11 Q Okay. When you got back here, what did</p> <p>12 you do, if anything, with regard to the stretcher</p> <p>13 itself?</p> <p>14 A I did nothing. We just filled out the</p> <p>15 accident run report.</p> <p>16 Q Did anybody else look at the stretcher?</p> <p>17 A I don't know.</p> <p>18 Q Okay. Well, if you had another run that</p> <p>19 night, you would have had to use that same</p> <p>20 stretcher, right?</p> <p>21 A Yes.</p> <p>22 Q It was the only one?</p> <p>23 A Yes.</p> <p>24 Q So didn't somebody look at it to say,</p>	<p>1 but everyone calls him John.</p> <p>2 Q Okay. And you think the two of them</p> <p>3 went to look at it?</p> <p>4 A It was so long ago, I just remember</p> <p>5 filling this out and then we went back into drill.</p> <p>6 Q Did you go back out that night on a run?</p> <p>7 A No.</p> <p>8 Q Do you know whether or not that</p> <p>9 stretcher stayed in service?</p> <p>10 A I believe it was taken out for that</p> <p>11 time. I don't recall. I can't recall on that.</p> <p>12 Q Okay. If it was taken out of service,</p> <p>13 is there some form that would be filled out with</p> <p>14 regard to that?</p> <p>15 A That would be -- that wouldn't deal with</p> <p>16 me --</p> <p>17 Q Okay.</p> <p>18 A -- on that.</p> <p>19 Q I've seen some forms that -- in the</p> <p>20 stuff you just gave me here. Are you familiar</p> <p>21 with the ambulance checklist forms?</p> <p>22 A Yes.</p> <p>23 Q Okay. Do you fill those out?</p> <p>24 A Yes. I have not in a while.</p>
75	77
<p>1 Gee, we've got to make sure this doesn't happen</p> <p>2 again if we have another run tonight?</p> <p>3 MR. LEEDBERG: Objection to form.</p> <p>4 Go ahead and answer if you can.</p> <p>5 A I believe someone looked at it.</p> <p>6 Q And who do you think that was?</p> <p>7 A I do not know. I can't answer. I</p> <p>8 filled this out and they went down and they looked</p> <p>9 at it.</p> <p>10 Q Okay. Who would -- who was the possible</p> <p>11 people who could have looked at it?</p> <p>12 A The deputy went down, I believe. Let me</p> <p>13 think a second. I believe the deputy went down</p> <p>14 and looked at it, and I can't remember if --</p> <p>15 Q And that's Ron Buckler?</p> <p>16 A Ron Buckler and --</p> <p>17 Q When you say the deputy, that's what you</p> <p>18 mean, right?</p> <p>19 A Yes, and the captain of the EMS. I</p> <p>20 believe, might have went down.</p> <p>21 Q And who is that.</p> <p>22 A John Dowse.</p> <p>23 Q D-O-W-S-E?</p> <p>24 A Yes, or Jonathan is the official name,</p>	<p>1 Q With respect to the -- with respect to</p> <p>2 the ambulance, was that something that you would</p> <p>3 fill out?</p> <p>4 A Yes.</p> <p>5 Q Okay. And one of the things, one of the</p> <p>6 first things it says on there is ambulance cot</p> <p>7 with IV pole. Is that the stretcher we're talking</p> <p>8 about?</p> <p>9 A Yes.</p> <p>10 Q Okay. And the next time that one of</p> <p>11 these forms had to be filled out, if there was a</p> <p>12 change in that -- in that stretcher, would it be</p> <p>13 noted on one of these forms?</p> <p>14 A It's been a long time.</p> <p>15 Q Well, I'm talking about the procedure.</p> <p>16 What --</p> <p>17 A If you found something major wrong, you</p> <p>18 would notify immediately one of the officers of</p> <p>19 the, you know, the incident, the situation, and</p> <p>20 what you found. There would be something put in</p> <p>21 writing. I haven't filled one of those EMS ones</p> <p>22 out in a while.</p> <p>23 Q Okay. Well, I guess here's my question.</p> <p>24 A Yeah.</p>

20 (Pages 74 to 77)

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<p style="text-align: right;">78</p> <p>1 Q What you've told us is that the -- that</p> <p>2 the -- the deputy and the captain may have gone</p> <p>3 down to look at this -- this stretcher. If they</p> <p>4 found something wrong with it, is there a piece of</p> <p>5 paper in which the information would appear?</p> <p>6 A I don't know on that, because that's up</p> <p>7 at their -- I mean, if they -- they're management,</p> <p>8 I guess you could say management, but I should say</p> <p>9 they're officers.</p> <p>10 Q Sure, I know what you mean.</p> <p>11 A That's, you know, what they do.</p> <p>12 Q Yeah.</p> <p>13 A It really doesn't pertain to us.</p> <p>14 Q Okay. When's the next time you heard</p> <p>15 anything about this stretcher after that?</p> <p>16 A I don't recall on that.</p> <p>17 Q Did you ever hear anything further about</p> <p>18 the stretcher?</p> <p>19 A They had a company come out and look at</p> <p>20 it --</p> <p>21 Q Yeah.</p> <p>22 A -- I remember that, and that's all I</p> <p>23 recall.</p> <p>24 Q Well, do you remember having a different</p>	<p style="text-align: right;">80</p> <p>1 back of A1.</p> <p>2 Q Okay. Let me just take that back for a</p> <p>3 second.</p> <p>4 A Yeah.</p> <p>5 MR. DURSO: All right. What do we</p> <p>6 have, three exhibits up to this? Would you mark</p> <p>7 this as Exhibit 4, please?</p> <p>8 (Document marked as Exhibit No. 4.)</p> <p>9 Q Okay, I'm going to show you page 11 from</p> <p>10 what we've marked as Exhibit 4, and just ask you</p> <p>11 if you can tell me whether or not those represent</p> <p>12 the available positions in which you can put the</p> <p>13 particular stretcher that you had in --</p> <p>14 A Yes.</p> <p>15 Q -- ambulance -- let me finish.</p> <p>16 A Oh, sorry.</p> <p>17 Q That's all right.</p> <p>18 -- that you had in ambulance A1 on</p> <p>19 February 6, 2003?</p> <p>20 A Which one was it in?</p> <p>21 Q No, I'm asking if those are the</p> <p>22 positions that the stretcher that was in ambulance</p> <p>23 A1 on February 6, 2003, if those are the positions</p> <p>24 it could be in?</p>
<p style="text-align: right;">79</p> <p>1 stretcher in the ambulance after that?</p> <p>2 A I don't recall, because I was off shift</p> <p>3 for six days, and unless you get a call down here</p> <p>4 or you come in for training --</p> <p>5 Q Sure.</p> <p>6 A -- you know, it's -- where it's a call</p> <p>7 department, you're not around really.</p> <p>8 Q Okay. When you came back on, though,</p> <p>9 would you have a concern as to whether or not the</p> <p>10 stretcher was operating properly?</p> <p>11 A Yeah, I believe I probably -- because</p> <p>12 part of the checklist is to clean it, the</p> <p>13 ambulance, make sure it's clean, you know, check</p> <p>14 all of the stuff on the list, and you always pull</p> <p>15 the stretcher out because you have to clean the</p> <p>16 floor and mop it.</p> <p>17 Q Okay.</p> <p>18 A I can't recall if I -- if I -- I mean, I</p> <p>19 must have because I take it out to clean it. I</p> <p>20 mean --</p> <p>21 Q Would you take a look at the picture on</p> <p>22 the outside of that cover and just tell me whether</p> <p>23 or not you recognize that -- that -- the drawing.</p> <p>24 A I believe that's our stretcher in the</p>	<p style="text-align: right;">81</p> <p>1 A It could be in.</p> <p>2 Q Okay. All right. Would it be fair to</p> <p>3 say that -- that -- well, let me show you a</p> <p>4 different --</p> <p>5 MR. DURSO: Off the record.</p> <p>6 (Off record.)</p> <p>7 Q Well, let's look at this one on page 24.</p> <p>8 In terms of -- this figure V --</p> <p>9 A Um-hm.</p> <p>10 Q -- in terms of coming out of the</p> <p>11 ambulance, is this setup that's shown here</p> <p>12 consistent with ambulance A1 --</p> <p>13 A Yes.</p> <p>14 Q -- and your stretcher?</p> <p>15 Okay. So what you told us before is</p> <p>16 that the ambulance -- the stretcher would come out</p> <p>17 of the ambulance and the wheels that are shown on</p> <p>18 your right would be on the floor of the ambulance,</p> <p>19 and these other four wheels shown on the structure</p> <p>20 underneath would come down with a snap on the</p> <p>21 ground; is that right?</p> <p>22 A Yes.</p> <p>23 Q Okay. And then you would just bring it</p> <p>24 forward, resting on those four wheels?</p>

21 (Pages 78 to 81)

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<p style="text-align: right;">82</p> <p>1 A On these four, yes.</p> <p>2 Q Okay. But that what happened instead</p> <p>3 here is that the ambulance -- the stretcher</p> <p>4 dropped down, and are you able to identify which</p> <p>5 of the positions it was in when it dropped down?</p> <p>6 A It would be either one of these two.</p> <p>7 (Indicating.)</p> <p>8 Q And tell me which two you're referring</p> <p>9 to.</p> <p>10 A The low level --</p> <p>11 Q Yeah.</p> <p>12 A -- and mid level.</p> <p>13 Q Okay. All right. And the difference</p> <p>14 between what we see in these positions and what</p> <p>15 actually happened that day, is that the back piece</p> <p>16 to the right would be lifted up because --</p> <p>17 A Correct.</p> <p>18 Q -- the patient was in a seated position;</p> <p>19 is that correct?</p> <p>20 A Correct. But these -- this structure</p> <p>21 here (indicating) stays flat.</p> <p>22 Q Horizontal?</p> <p>23 A Horizontal.</p> <p>24 Q Yeah.</p>	<p style="text-align: right;">84</p> <p>1 A I don't recall on that.</p> <p>2 Q Okay. You had said before you thought</p> <p>3 you might have raised it to what you called the</p> <p>4 load position. Is the load position the high-</p> <p>5 level position?</p> <p>6 A Well, we bring it out the high level,</p> <p>7 out to the ambulance, and then place it in the</p> <p>8 load position.</p> <p>9 Q Which is what?</p> <p>10 A What it's in here. (Indicating.)</p> <p>11 They -- it's slightly straighter.</p> <p>12 Q Okay.</p> <p>13 A It brings it up a little higher, the</p> <p>14 head.</p> <p>15 Q You have to raise it up a little bit to</p> <p>16 get it into the --</p> <p>17 A Into the -- yeah.</p> <p>18 Q Okay. That's what you meant.</p> <p>19 A Yeah.</p> <p>20 Q So in order to put the stretcher back</p> <p>21 into the ambulance, did you have to get it into</p> <p>22 this loading position or would you be able to load</p> <p>23 it from one of the other positions?</p> <p>24 A You can't load it from this position</p>
<p style="text-align: right;">83</p> <p>1 A It's just the cot part there with some</p> <p>2 metal framing comes up.</p> <p>3 Q Okay. I'm going to show you page 10,</p> <p>4 figure G. Is that the part you're referring to</p> <p>5 that comes up?</p> <p>6 A Yes.</p> <p>7 Q Okay. So that part was elevated --</p> <p>8 A Yes.</p> <p>9 Q -- so that Mr. Koran was in a --</p> <p>10 relatively in a sitting position as opposed to a</p> <p>11 prone position when he was coming out of the</p> <p>12 vehicle. Have I stated that correctly?</p> <p>13 A Yes.</p> <p>14 Q Okay. Okay, so your recollection is</p> <p>15 that Mr. Koran ended up, after the stretcher came</p> <p>16 out, in either the low-level or the mid-level</p> <p>17 position; is that right?</p> <p>18 A Correct.</p> <p>19 Q Okay. And was wheeled into the hospital</p> <p>20 in that position?</p> <p>21 A Yes, into the ER.</p> <p>22 Q Okay. And coming back out, do you think</p> <p>23 that you raised it back up to the high-level</p> <p>24 position before you wheeled it back up?</p>	<p style="text-align: right;">85</p> <p>1 without two people lifting it up in.</p> <p>2 Q Okay. And do you have a recollection</p> <p>3 whether you did that?</p> <p>4 A I can't recall.</p> <p>5 Q Okay. Do you believe you got it to the</p> <p>6 loading position before you put it back?</p> <p>7 MR. LEEDBERG: Objection to the</p> <p>8 form. Answer if you can.</p> <p>9 A I don't recall.</p> <p>10 Q All right. Well, you got it back into</p> <p>11 the vehicle?</p> <p>12 A It was back in the vehicle, yes.</p> <p>13 Q Okay. So the only two ways you could</p> <p>14 get it back in the vehicle, if I understand you</p> <p>15 correctly, is either by getting it into the</p> <p>16 loading position or the two of you picking it up</p> <p>17 and putting it in --</p> <p>18 A Physically you could -- you could</p> <p>19 physically pick it up from any position --</p> <p>20 Q Okay.</p> <p>21 A -- and --</p> <p>22 Q And you don't remember which of those</p> <p>23 two happened?</p> <p>24 A I don't recall --</p>

22 (Pages 82 to 85)

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<p style="text-align: right;">86</p> <p>1 Q Okay. Good.</p> <p>2 A -- on that.</p> <p>3 Q Okay. Do you remember being told by</p> <p>4 anybody at any time what happened to the stretcher</p> <p>5 on that particular day?</p> <p>6 A Telling them?</p> <p>7 Q No, did anyone tell you.</p> <p>8 MR. LEEDBERG: I'm going to object</p> <p>9 as to form.</p> <p>10 Q In other words, after February 6, the</p> <p>11 next time you came back to work or at any later</p> <p>12 date did anyone ever say to you, Here's what</p> <p>13 happened, that's why that thing happened with the</p> <p>14 stretcher?</p> <p>15 A I don't recall what the exact cause of</p> <p>16 it was. I just know they had a company come right</p> <p>17 out the next day.</p> <p>18 Q And do you remember hearing what the</p> <p>19 company said about the -- about the device?</p> <p>20 A No, I don't recall on that.</p> <p>21 Q Okay. Do you ever remember anyone</p> <p>22 saying that there was some piece of a handle or</p> <p>23 some piece of equipment on the stretcher that was</p> <p>24 bent?</p>	<p style="text-align: right;">88</p> <p>1 THE WITNESS: All right.</p> <p>2 Q How did you learn how to operate the</p> <p>3 stretcher?</p> <p>4 A The Captain Dowse, he's a deputy now, he</p> <p>5 was a captain at the time, when I was a first</p> <p>6 responder and I used to work on the ambulance, he</p> <p>7 took me through the basic operations of the</p> <p>8 ambulance, what I can do, what I can't do, how to</p> <p>9 do it.</p> <p>10 Q Okay. And that included operating the</p> <p>11 stretcher?</p> <p>12 A Yes, that's something you can do as a</p> <p>13 first responder.</p> <p>14 Q So he showed you the mechanism and how</p> <p>15 it worked --</p> <p>16 A Yeah.</p> <p>17 Q -- and -- how it was supposed to work.</p> <p>18 If there's -- if there's ever a</p> <p>19 problem with the stretcher, who -- while you're on</p> <p>20 a run, whose job is it to deal with the mechanical</p> <p>21 operation of the stretcher?</p> <p>22 MR. LEEDBERG: Objection as to form.</p> <p>23 Go ahead and answer.</p> <p>24 A It would be the senior office in the</p>
<p style="text-align: right;">87</p> <p>1 A I remember I think -- I remember hearing</p> <p>2 something about it.</p> <p>3 Q Okay. Any memory as to who you heard it</p> <p>4 from?</p> <p>5 A No, it was so long ago.</p> <p>6 Q Okay. Prior to this incident on</p> <p>7 February 6, 2003, do you ever remember having any</p> <p>8 kind of difficulty with the stretcher?</p> <p>9 A No, not at all that I had worked with</p> <p>10 it.</p> <p>11 Q Okay. I'm not talking just about the</p> <p>12 stretcher falling down.</p> <p>13 A Yeah.</p> <p>14 Q I'm talking about did it ever fail to</p> <p>15 snap into place; did you ever have any difficulty</p> <p>16 of any kind with it?</p> <p>17 A Not as long as I was on the department</p> <p>18 before that that I remember hearing.</p> <p>19 Q Okay.</p> <p>20 MR. DURSO: All right. Give me just</p> <p>21 a second and we may be close to done.</p> <p>22 (Pause.)</p> <p>23 MR. DURSO: Just a couple more</p> <p>24 questions and you'll be all set.</p>	<p style="text-align: right;">89</p> <p>1 station if there's somebody there. If there's no</p> <p>2 one there, call the lieutenant of the ambulance,</p> <p>3 make him aware of the situation. He can make his</p> <p>4 decision from there depending on what the....</p> <p>5 Q Okay. Did you have any training in the</p> <p>6 mechanical operation, other than simply having the</p> <p>7 legs snap down and --</p> <p>8 A Yes.</p> <p>9 Q Yeah. What did the training consist of?</p> <p>10 A Running through the whole thing --</p> <p>11 Q So --</p> <p>12 A -- at the time.</p> <p>13 Q -- were you able -- would you be able</p> <p>14 to, through your training, deal with any</p> <p>15 mechanical issues or....</p> <p>16 A I'm not trained on it.</p> <p>17 Q No. Okay. So your training didn't</p> <p>18 include --</p> <p>19 A It didn't include a maintenance -- I</p> <p>20 mean, maintenance of it to look, you know, if</p> <p>21 something looks out of the ordinary, but it</p> <p>22 included the operation of the stretcher.</p> <p>23 Q Okay. If you wanted the stretcher to</p> <p>24 fold down from the -- the high-level position, how</p>

23 (Pages 86 to 89)

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<p>90</p> <p>1 would you do it?</p> <p>2 A Down to the mid-level.</p> <p>3 Q Or low level?</p> <p>4 A Or lower.</p> <p>5 Q Or -- or -- yeah. Or the folded</p> <p>6 position for that matter.</p> <p>7 A I don't believe you can do that.</p> <p>8 Q You don't believe you can do what?</p> <p>9 A The folding position without hitting the</p> <p>10 lock. It's been a while since I've worked on this</p> <p>11 ambulance with that stretcher, because my</p> <p>12 department, where I work full-time, we have a</p> <p>13 different stretcher --</p> <p>14 Q Okay.</p> <p>15 A -- since then, and it's been a while</p> <p>16 since I've -- but I believe in that type of</p> <p>17 stretcher you cannot go to the folding position</p> <p>18 without hitting the loading lock I believe they</p> <p>19 call it on this type of stretcher.</p> <p>20 Q Okay. Can you, while you have a patient</p> <p>21 on it, on the stretcher, lower it to these other</p> <p>22 levels?</p> <p>23 A Yes, you can go to the lower -- the</p> <p>24 low-level, the mid-level and the -- well, it would</p>	<p>92</p> <p>1 Q Okay. Can the person at the foot end</p> <p>2 squeeze that handle and lower it by himself just</p> <p>3 from that point?</p> <p>4 A I don't recall. It's been a long</p> <p>5 time --</p> <p>6 Q Okay.</p> <p>7 A -- since I've used this stretcher.</p> <p>8 Q Yeah.</p> <p>9 And what about the auxillary lock,</p> <p>10 what's the purpose of that?</p> <p>11 A Which lock?</p> <p>12 Q (Indicating.)</p> <p>13 A They have different names. I haven't --</p> <p>14 that's the lock -- that's the lock that you would</p> <p>15 hit -- that you would slide forward to put it down</p> <p>16 to the other position there.</p> <p>17 Q The folded level?</p> <p>18 A I believe that's what they call it, yes.</p> <p>19 Q Okay.</p> <p>20 A I believe it's folded level. The</p> <p>21 folding -- folded position.</p> <p>22 Q Yeah. Okay.</p> <p>23 MR. DURSO: All right. Okay, I</p> <p>24 think that's it.</p>
<p>91</p> <p>1 be at the high level.</p> <p>2 Q How do you do it mechanically, what do</p> <p>3 you do?</p> <p>4 A One on either side I believe on this</p> <p>5 stretcher would grab a lock and would squeeze</p> <p>6 simultaneously, which would drop the --</p> <p>7 Q See if I've got a picture.</p> <p>8 A -- the stretcher, which you don't want</p> <p>9 to touch when you're pulling it out.</p> <p>10 Q Let's see.</p> <p>11 (Counsel perusing document.)</p> <p>12 Q Are you able, looking at this particular</p> <p>13 diagram on page 7, to tell me what you would do</p> <p>14 to -- to lower the stretcher?</p> <p>15 A The undercarriage control handle --</p> <p>16 Q Yeah.</p> <p>17 A -- you'd squeeze both: there should be</p> <p>18 two on there.</p> <p>19 Q Okay. And can you just point to the</p> <p>20 diagram?</p> <p>21 A (Witness complied.)</p> <p>22 Q Okay. And that's at the foot end; is</p> <p>23 that right?</p> <p>24 A Yes.</p>	<p>93</p> <p>1 You got any questions?</p> <p>2 MR. LEEDBERG: I just want to</p> <p>3 clarify one point.</p> <p>4 EXAMINATION</p> <p>5 BY MR. LEEDBERG:</p> <p>6 Q Scott, when you were at the scene, you</p> <p>7 didn't take the cot out of the ambulance, did you,</p> <p>8 to get the plaintiff onto it?</p> <p>9 A No, I believe he went in through the</p> <p>10 door, the side door.</p> <p>11 Q Okay. So he crawled up into the</p> <p>12 ambulance?</p> <p>13 A Yes, he crawled up in the ambulance on</p> <p>14 his own.</p> <p>15 Q Okay.</p> <p>16 A And I was in the doorway with the police</p> <p>17 watching.</p> <p>18 Q And just to clarify something you just</p> <p>19 talked about with Attorney Durso. You're not</p> <p>20 trained to mechanically fix this cot, correct?</p> <p>21 A No, I am not.</p> <p>22 Q You're trained in the operation,</p> <p>23 correct?</p> <p>24 A The operation.</p>

24 (Pages 90 to 93)

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1 Q And if you see something wrong, you'll
2 bring it to the attention --

3 A Yes. If you see something out of the
4 ordinary from when you were trained, you would --
5 I mean, you'd say something to an officer.

6 Q But you wouldn't venture to fix it
7 yourself?

8 A No, would not.

9 MR. LEEDBERG: I have no further
10 follow-ups.

11 MR. DURSO: Okay. I think that's
12 it. Thank you.

13 (Off record at 1:08 p.m.)
14
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24

ERRATA SHEET

1 I, SCOTT CHRISTENSEN, the within-named
2 deponent do hereby certify that I have read the
3 foregoing transcript of my testimony, and further
4 certify that said transcript is a true and
5 accurate record of said testimony (with the
6 exception of the following corrections listed
7 below):

Page	Line	Correction
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		

20 Signed under the pains and penalties of
21 perjury this day of , 2006.

22
23
24 SCOTT CHRISTENSEN

95

CERTIFICATE

2 COMMONWEALTH OF MASSACHUSETTS
3 BRISTOL, SS
4

5 I, Lori-Ann London, Registered
6 Professional Reporter and Notary Public in and for
7 the Commonwealth of Massachusetts, do hereby
8 certify:

9 That, SCOTT CHRISTENSEN, the witness
10 whose deposition is hereinbefore set forth, was
11 duly sworn by me and that such deposition is a
12 true record of the testimony given by the witness
13 to the best of my knowledge, skill, and ability.

14 I further certify that I am neither
15 related to, nor employed by, any of the parties in
16 or counsel to this action, nor am I financially
17 interested in the outcome of this action.

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand and seal of office this 2nd day of October
20 2006.

21
22 Lori-Ann London, RPR

23 Notary Public

24 My commission expires: 6/15/2012

25 (Pages 94 to 96)

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A			
abdomen (2) 61:17,18	52:7 58:19 59:22	49:3,9 50:23 51:2	BRISTOL (1) 95:3
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